



Certified Professional Guardian Board Meeting

Monday, August 13, 2012 (8:00 a.m. – 9:30 a.m.)

Conference Call

Meeting Minutes

Chair

Judge James Lawler

Members Absent

None

Members Present

Robin Balsam

Gary Beagle

Dr. Barbara Cochrane

Nancy Dapper

William Jaback

Chris Neil

Judge Sally Olson

Emily Rogers

Prof. Winsor Schmidt

Carol Sloan

Judge Robert Swisher

Comm. Joseph Valente

Staff

Shirley Bondon

Katrin Johnson

Kim Rood

Carol Smith

Public

Tom Goldsmith

Alexander Aikman

Jeraldine Adams

Stephen Bradley

1. Call to Order

Judge Lawler called the meeting to order at 8:00 a.m.

2. Board Business

Approval of Minutes

Motion: *A motion was made and seconded to approve the meeting minutes from the July, 2012 meeting. The motion passed.*

Judge Robert Swisher abstained.

Chair's Report

- Public Records Requests.

Judge Lawler asked Shirley Bondon to address the Board regarding General Rule 31A.

Ms. Shirley Bondon stated GR 31A was the court's proposed rule which provides standards and procedures for providing public access to the Washington State judiciary's administrative records. The board asked for an exemption from GR 31A. Judge Lawler, Chair, followed up with a letter stating that if an exemption wasn't possible, the Board asked that all its current exemptions to public disclosure be included in GR 31A. The Supreme Court decided to include all the Board exemptions in GR 31A. The Supreme Court had asked an AOC Staff member to determine if the board's regulations, as written, included an exemption for investigative records after an investigation was

complete and a complaint had been filed. If not, they wanted to add language to explain that investigative records, related to grievances, are open to public inspection upon the filing of a board complaint for disciplinary action.

A lengthy discussion followed regarding whether investigative records should be open to the public. Ms. Bondon referred to paragraphs 003.2.3, through 003.2.5 of the Administrative Regulation. These sections would be included in GR 31A.

Judge Lawler asked Ms. Bondon to keep the Board informed about GR 31A, and that no action would be taken by the Board at this time..

- **Guardianship Postmortem Review**

Judge Lawler explained that he had appointed a small committee to review the guardianships where a certified professional guardian was alleged to have financially exploited two vulnerable adults. The committee was charged to look at what happened, look at the procedures in that case and see if there was anything they could have been done differently that might have prevented the alleged exploitation.

After the committee was selected Judge Lawler stated that he became aware that one of the members of the newly formed committee, Mr. Tom Goldsmith, was involved in a Court of Appeals decision.

The CPG Board determined to remove Mr. Goldsmith from the Guardianship Postmortem Review Panel.

A board member suggested adding another person to the review panel. Judge Lawler agreed, adding that if any of the Board members could suggest someone, please send their recommendations to Shirley Bondon.

Motion: *A motion was made and seconded to remove Mr. Goldsmith from the review panel. Professor Schmidt and Ms. Sloan excused themselves from voting.*

3. Regulations Committee Report

- **SOP 404.4**

Mr. Chris Neil had two proposed regulations. The first is a proposed Standard of Practice with regard to meaningful visits. Version #1 is very close to the version the Regulations committee voted on during the February 3rd meeting. The only difference was they didn't have the list of lower case letters. The regulation would allow a guardian to delegate their responsibilities for in-person visits to employees of the guardian, an independent contractor or to a third party who is neither an independent contractor nor an employee as long as that third party was approved by the court in advance. In addition to that, the guardian would have to document why they felt this person, one of those three classes of people, would be suitable to perform that responsibility. That document needs to be signed by the guardian, maintained in the guardian's file for that client and be available to the Certified Professional Guardian Board. That was a compromise that the committee came up with.

Mr. Neil stated that version two, which he drafted, was very similar to version one, but more concise. After some discussion, members agreed that the number of the SOP should be 4.04.4.

Motion: *A motion was made to approve Version 1 of 404.4 – Motion rejected.*

Motion: *A motion was made to approve Version 2 of 404.4 – Motion rejected.*

- **Disciplinary Regulation Default Procedure**

Mr. Neil said that the regulation committee would like the Board to consider a new default procedure to be used when a guardian does not respond to the grievance process. The regulation in place requires the CPGB to file a complaint and go through the complete hearing process to have the CPG decertified.

A Board member stated that original notice would notify the CPG through Certified Mail, Return Receipt Requested, that they have 30 days from the date of service to respond to the complaint. If no response from the CPG, the Board would proceed with decertification.

Motion: *A motion was made and seconded to approve the default procedure with the change from 5 days to 20 days.*

4. Executive Session – Meeting Closed to the Public

5. Reconvene

Motion: *A motion was made and seconded to deny appeal of Ms. Adkins. The motion passed.*

Motion: *A motion was made and seconded to approve the waiver request of Ms. Ellis.*

Comment: Robin Balsam asked to have the minutes reflect that the waiver request was being granted because the rules weren't set forth clearly, there was a two year limit.

6. Adjourn

Judge Lawler indicated that the meeting had run over its time limit. He asked Ms. Bondon to send out a request to the Board members to schedule another phone meeting to address the CPG applications within the next week or so.

The September meeting is scheduled for Monday, September 10, 2012 at 8:00 a.m. Judge Lawler adjourned the meeting at approximately 9:35 a.m.

Recap of Motions from August 13, 2012 Meeting

Motion Summary	Status
Motion: <i>A motion was made and seconded to approve the meeting minutes from the July meeting.</i>	Passed

Motion Summary	Status
Motion: A motion was made and seconded to approve version 1 of 404.4	Rejected
Motion: A motion was made and seconded to approve version 2 of 404.4	Rejected
Motion: A motion was made and seconded to approve the default procedure with the change from 5 days to 20 days.	Passed
Motion: A motion was made and seconded to deny appeal of Ms. Adkins.	Passed
Motion: A motion was made and seconded to approve waiver of request of Renee Ellis.	Passed

Action Items for Next Meeting

Action Item	Who	Status